REMARKS

Claims 56-63 are pending. Claims 47-55 and 64-71 have been canceled. No claims have been amended or added.

Restriction

The Examiner required a restriction to one of Groups I, II or III. Election has been made to Group II, and the claims of Groups I and II have been cancelled.

Election of Species

The Examiner also required an election of species. According to the Examiner, the Application contained claims directed to the following patentably distinct species of the claimed invention:

Species A

    Species A1:   Represented by Figure 1;

    Species A2:   Represented by Figure 35;

    Species A3:   Represented by Figure 36; and

    Species A4:   Represented by Figure 37.

Species B

    Species B1:   Represented by Figure 19; and

    Species B2:   Represented by Figure 26.

Species C

    Species C1:   Represented by Figure 27;

    Species C2:   Represented by Figure 28; and

Species C3:   Represented by Figure 31.

The Examiner required election of a single species from each group (e.g., A1, B2 and C3) for prosecution. The Examiner asserted that none of the claims are generic.

The requirement to elect a species is respectfully traversed. The Application has 37 figures and a 54 pages specification. Not surprisingly, the Application discloses numerous inventions. Certainly, this fact led to the Examiner's requirement to elect one of the three groups of claims. This fact is also apparent by comparing the claims of this Application to the claims of the parent application (now Patent No. 6,351,745), and related Application No. 09/977,169. The claims of this Application are directed to a "method of making an on-line purchase by a given registered user." The claims of the parent patent are directed to a "system connected to plural terminals through a communication network for having messages transmitted to the terminals," a "method of providing messages to client devices of users," and a "method of having messages transmitted to plural terminals connected to a communication network." The claims of the related application are directed to a "method of connecting a terminal to a host system on a communications network," a "recording medium storing a message viewer program comprising program code to be read by a terminal communicating with a host system through a communications line," a "terminal for connecting to a host system on a communications network," a "method of operating a host system to provide an upgraded message viewer to a terminal," a "recording medium storing a computer program comprising program code to be read by a host system communicating with a terminal through a communications line," and a "host system for connecting to a terminal on a network," a "method of operating a host system to provide an upgraded message viewer to a terminal," and a "recording medium storing a computer program comprising program code to be read by a host system communicating with a terminal through a communications line." The claimed subject matter of this Application, the parent patent and the related application are clearly quite different, though undoubtedly supported by the thorough specification and drawings. It is believed that additional inventions are also disclosed in the Application which are directed to different subject matter than those of this Application, the parent patent and the related application. There can be no question that

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the Application has a substantial and thorough disclosure showing many different inventions and embodiments.

Looking now at the pending claims, there also can be no question that the requirement to elect species is not well founded. Only one independent claim is now pending – claim 56. Claims 56-63 are generic and are directed to a method of making an on-line purchase by a given registered user. The figures of Species A show block diagrams of the overall hardware construction of communication systems. The figures of Species B show flow charts of the event process of a terminal after a connection sequence. The figures of Species C show connection sequences. Claims 56-63 have no limitations to hardware construction of a communication system, an event process of a terminal after a connection sequence, or a connection sequence. Thus, the figures of Species A, B and C by no measure disclose the invention of claims 56-63. Instead they provide information which might be useful in making and using the invention, though hardly required under 35 USC § 112.

In sum, the Examiner would effectively penalize the inventors for providing a thorough and lengthy disclosure. Withdrawal of the requirement to elect species is respectfully requested. If the Examiner persists in the requirement, the undersigned requests that the Examiner show how the species he has identified are relevant to the patentability of the invention as claimed.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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